IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Bail Appl..No. 950 of 2007()

CRIME NO.269/05 OF VALAPATTANAM POLICE STATION

PETITIONER/ACCUSED NO.3

ASHRAF AMBALAKANDY,
S/O.K.P.USMAN, SHAMZAD MANZIL,
KAIVATTAM, P.O.THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.T.M.ABDUL LATHEEF
SRI.V.R.NASAR

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
VALAPATTANAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.950 OF 2007

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DATED THIS THE 19TH DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 3rd accused in Crime No.269/05 of Valapattanam Police Station for offences punishable under sections 465, 468, 420, 494 and 497 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.655/05 before the J.F.C.M.-II, Kannur, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance. Until such consideration, the warrants, if any, pending against the petitioner shall not be executed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn